

## **REMARKS**

Following entry of the amendments submitted herewith, claims 1, 2, 4-10, 21, 36, and 38 will be pending in the instant application.

Claims 1, 36, and 38 are currently amended. Support for these amendments can be found throughout the specification, including the claims as originally filed. Accordingly, no new matter has been added to this application.

Claims 3, 11-20, 22-35, and 37 are canceled without prejudice to presentation of the subject matter of these claims in one or more continuing applications.

### *Double Patenting*

The Examiner provisionally rejected claims 1, 2, 4-10, 21 and 36 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-10, 12, and 13 of copending U.S. Patent Application No. 09/918,187. Applicants note the Examiner's provisional double patenting rejection and will address this rejection upon indication of allowability of the present claims. Applicants further note the Examiner's statement that if the copending application becomes allowable before the filing of any response to the Office Action mailed May 30, 2006, the instant provisional rejection will be converted to a rejection and a terminal disclaimer will be required.

Applicants hereby submit that the subject matter of the claimed invention and the commonly assigned U.S. Patent Application No. 09/918,187 were commonly owned at the time the claimed invention was conceived. Applicants have filed herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). Accordingly, withdrawal of this rejection is respectfully requested.

### *Claim Objections*

The Examiner objected to claim 11 under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner asserted that claim 11 does not limit the scope of claim 2 because it does not further define the structure of the compound. While Applicants strongly disagree with this assertion, claim 11 has been canceled, thus the objection is rendered moot.

The Examiner objected to claims 36 and 38 under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner stated that the inclusion of SEQ ID NO: 29 broadens rather than narrows the scope of claim 1. Applicants have herewith amended claims 36 and 38 to delete SEQ ID NO: 29, thus the object of these claims is rendered moot.

Applicants respectfully request withdrawal of the objections to claims 11, 36, and 38.

*Claim Rejections Under 35 U.S.C. § 112*

The Examiner rejected claims 1, 2, 4-11, 21, 36, and 38 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner alleged that the phrase “with at least 90% complementarity” is indefinite because it is unclear whether this limitation refers to the antisense compound or the target sequence. While Applicants believe that the limitation “with at least 90% complementarity” clearly refers to the antisense compound, Applicants have amended claim 1 to clarify that the antisense compound has at least 90% complementarity. As claim 1 as amended herewith and the claims depending therefrom are clear and definite, and because the Examiner noted that such an amendment would be remedial, Applicants respectfully request withdrawal of the written description rejection.

*Allowable Subject Matter*

Applicants note that the Examiner’s conclusion that SEQ ID NOS: 30, 124, and 125 are free of the prior art.

## **CONCLUSION**

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record and that the present claims are in condition for allowance.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any

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overpayment in any fees to Direct Account Number 50-0252, referencing Docket No.  
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Respectfully submitted,

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Frances R. Putkey

Frances R. Putkey  
Isis Pharmaceuticals, Inc.  
Registration No. 57, 257  
Telephone: 760.603.2710